

[| NODIS Library](#) | [Program Management\(8000s\)](#) | [Search](#) |

# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY****NPR 8580.1**Effective Date: November 26,  
2001Expiration Date: November  
26, 2009[Printable Format \(PDF\)](#)

Request Notification of Change

 (NASA Only)

## Subject: Implementing The National Environmental Policy Act And Executive Order 12114

**Responsible Office: Environmental Management Division**

[| TOC](#) | [Preface](#) | [Chp1](#) | [Chp2](#) | [Chp3](#) | [Chp4](#) | [Chp5](#) | [Chp6](#) | [Chp7](#) | [Chp8](#) | [Chp9](#) | [Chp10](#) |  
[Chp11](#) | [Chp12](#) | [Chp13](#) | [AppdxA](#) | [AppdxB](#) | [AppdxC](#) | [AppdxD](#) | [AppdxE](#) | [AppdxF](#) | [AppdxG](#) |  
[AppdxH](#) | [AppdxI](#) | [AppdxJ](#) | [AppdxK](#) | [AppdxL](#) | [ALL](#) |

## APPENDIX K. Questions and Answers About NASA NEPA Regulations

### K.1 Introduction

- a. This appendix provides answers to the most commonly asked questions about NASA's National Environmental Policy Act (NEPA) compliance regulations. The U.S. Department of Energy's Green Book, National Environmental Policy Act Compliance Guide, Volume II Reference Book (DOE 1998) was a primary source in identifying questions.
- b. The Forty Most Often Asked Questions Concerning CEQ's National Environmental Policy Act Regulations (46 FR 18026) can be found in Appendix G. It is highly recommended reading.

### K.2 Question and Answers

#### K.2.1 Question 1: What is considered a NEPA Document?

- A. NASA defines a NEPA document as any document required by Council on Environmental Quality regulations or NASA NEPA regulations that includes a Notice of Intent (NOI), Notice of Availability (NOA), Draft and Final Environmental Impact Statements (EIS's), Record of Decision (ROD), Draft and completed Environmental Assessments (EA's), finding of no significant impact (FONSI), Environmental Resources Document (ERD), or any other document prepared pursuant to a requirement of NEPA or the CEQ regulations.

#### K.2.2 Question 2: Does the EIS definition include a supplemental EIS?

- A. Yes. The term EIS includes Draft, Final, tiered, and supplemental EIS's. Note that the CEQ regulations (40 CFR §1502.9(c)(4)) specify that a supplemental EIS shall be prepared, circulated, and filed ". . . in the same fashion (exclusive of scoping) as a draft and final statement . . ."

#### K.2.3 Question 3: When should you begin a NEPA review for a research program?

- A. The NEPA review process should begin as soon as environmental effects can be meaningfully evaluated and before reaching the level of investment or commitment likely to determine subsequent development or restrict later alternatives (Section 40 CFR §1502.4(c)(3) of the CEQ regulations and NASA's NEPA implementing regulations).

#### K.2.4 Question 4: What are the procedures for coordination with Indian tribes?

- A. If tribal lands would be affected by a NASA action, Indian tribes should be given the same opportunities afforded to States (e.g., direct mailing notices of available NEPA documents, early consultation during NEPA document preparation). Refer to the Bureau of Indian Affairs for more information on Indian tribes. A listing of the Federally recognized Indian tribes is available from the U.S. Department of Interior, Bureau of Indian Affairs, Office of Public Affairs, Washington, DC 20240.

K.2.5 Question 5: Must every EIS be reviewed at least every 5 years to determine if a supplement is required?

- A. Only ERD's, as a category, must be for reviewed for adequacy every 5 years.

In addition, based on CEQ's Forty Most Often Asked Questions Concerning CEQ's National Environmental Policy Act Regulations as a rule of thumb, if the proposed action has not been implemented or if the EIS concerns an ongoing program, an EIS that is more than 5 years old should be reexamined to determine if a supplement is required. See Question #32 in Forty Questions... NASA procedures provide for monitoring of the action after a categorical exclusion determination, a FONSI, and a ROD. One of the principal reasons for monitoring implementation is to detect changes that could initiate additional NEPA review, such as mitigation techniques that are not working and resulting in unanticipated impacts or significant new information that has a bearing on important environmental issues (see section 7.5-Supplemental EIS's).

K.2.6 Question 6: What obligation does NASA have with regard to public notification when there is a lengthy delay between when a decision is made to prepare an EIS and its actual preparation?

- A. NASA is required to publish a NOI in the Federal Register in accordance with 40 CFR §1501.7 that contains the elements specified in 40 CFR §1508.22 as soon as practicable after a decision is made to prepare an EIS. NASA may defer publication of the NOI until a reasonable time before preparing the EIS, provided that NASA allows a reasonable opportunity for interested parties to participate in the EIS process. NASA requires that the EIS scoping period be at least 45 days in duration.

K.2.7 Question 7: When there will be a lengthy delay between publication of the NOI and release of the Draft EIS, what are NASA's obligations?

- A. If circumstances determine that release of the Draft EIS will be subject to a lengthy delay, the Sponsoring Entity should publish an information update in the Federal Register explaining why the delay is occurring and what the new schedule is expected to be. Copies should be mailed directly to interested parties, including respondents to the NOI during scoping.

K.2.8 Question 8: Is a public scoping process required for a NASA supplemental EIS?

- A. A public scoping process is not required for a supplemental EIS. When the scope of the proposed action has changed or the importance, size, or complexity, of the proposal warrants, NASA may elect to have a scoping process.

K.2.9 Question 9: Is a ROD required for a supplemental EIS?

- A. Yes. With the exception of scoping, which is optional (see K.2.2 and K.2.8 above), a supplement to a Draft or Final EIS is prepared, circulated, and filed in the same manner as any other Draft and Final EIS. It also includes the preparation of a ROD.

K.2.10 Question 10: When can NASA take action on a proposal covered by an EIS or EA?

- A. No final decision may be made on a proposal covered by an EIS or EA during a mandatory waiting period following completion of the Final EIS, except as provided at 40 CFR §1506.1 and §1506.10(b). Specifically, CEQ regulations state that a decision cannot be made until the later of (a) 90 days after the date of publication of the NOA for the Draft EIS or (b) 30 days after the date of publication of the EPA NOA for the Final EIS. No final action can be taken until the ROD has been issued.

Before completing the NEPA process. NASA cannot take any action that will (a) have an adverse environmental impact or (b) limit the choice of reasonable alternatives.

K.2.11 Question 11: Which documents and decisions are required to be published in the Federal Register?

- A. NOI's and NOA's for EIS's, and FONSI's for exceptional action EA's are required to be published in the Federal Register.

K.2.12 Question 12: Is it necessary to execute a categorical exclusion for routine maintenance and other continuing operations actions for projects and facilities?

A. No. Continuing operation of a NASA facility does not need documentation (see section 4.5.1d).

K.2.13 Question 13: What kind of NEPA review is required to shut down a facility? Can a facility be shut down and subsequently restarted based on a categorical exclusion?

A. Normally, shutdown and startup of a facility (e.g., workload reductions) is considered part of a continuing operation that does not trigger NEPA review, assuming there is an applicable ERD or EA/EIS covering the facility. However, the activities that take place during the shutdown (e.g., facility modification, safety improvements or repair, or reduced maintenance) may require NEPA review if appropriate documentation does not already exist. This advice does not apply to transfers of ownership or use to another party or where the facility has special status or other environmental prominence (e.g., National Historic Landmark).

K.2.14 Question 14: Must the No-Action alternative be assessed in NASA EA's?

A. Yes. CEQ regulations explicitly require assessment of the No-Action alternative only for EIS's. NASA NEPA implementing regulations require the No-Action alternative be considered for both EA's and EIS's.

K.2.15 Question 15: What is the appropriate time frame for which environmental impacts should be analyzed?

A. In general, impacts should be analyzed for as long as they are reasonably expected to occur.

This question reflects confusion regarding reasonably foreseeable actions and their reasonably foreseeable resulting impacts. To illustrate, consider a major construction of facilities project for a new launch vehicle processing center, where construction will take 2 years and the operational lifetime of the facility is 15 years. Impacts should be evaluated for construction and operation of the facility, i.e., for at least 17 years. If the facility was decommissioned and continued to emit effluents to the environment, the time frame could be extended even further.

K.2.16 Question 16: How should NASA address public comments received on a Final EIS?

A. Comments NASA receives on a Final EIS before the ROD has been issued should be reviewed to first determine whether the comments present "significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts". If it is clear that the comments do present such new information, a supplemental EIS is normally required (40 CFR §1502.9(c)).

If it is clear that the comments do not require a supplemental EIS, then NASA may issue a ROD. NASA's approach is to address such comments in the ROD itself or as a referenced independent document. NASA may refer the commentor to the appropriate section in the Final EIS in lieu of a detailed answer.

Comments on a Final EIS that NASA receives after a ROD has been issued should be considered in light of 40 CFR §1502.9(c).

K.2.17 Question 17: May NASA adopt another agency's EA and FONSI if NASA was not a cooperating agency?

A. Any Federal agency may adopt another Federal or State agency's EA for which a FONSI was issued and is encouraged to do so to save time or money. The FONSI of another agency cannot be adopted. To decide if adopting an EA is appropriate, NASA (as adopting agency) must conclude that the EA adequately describes its proposed action and in all other respects meets its requirements for EA's. Normal practices for review, publishing, and notifying the public would occur. NASA would issue its FONSI, if appropriate. The administrative record should be maintained as with any other EA.

K.2.18 Question 18: May NASA use unpublished NEPA documents as reference material in preparing another NEPA document?

A. NASA recognizes that extensive NEPA documents and analyses have been prepared for programs that were canceled before publication of the NEPA documents. If the work in question was compiled and analyzed by recognized experts and the document or analyses were or will be made available to the public, either in the designated information repositories or upon request through the Freedom of Information Act (FOIA), it is acceptable to use the document and/or the analysis as reference material, provided that it has been evaluated

by NASA and found to be reasonable and relevant to the proposed NASA action. The information/document can then be cited in the reference section.

| [TOC](#) | [Preface](#) | [Chp1](#) | [Chp2](#) | [Chp3](#) | [Chp4](#) | [Chp5](#) | [Chp6](#) | [Chp7](#) | [Chp8](#) | [Chp9](#) |  
[Chp10](#) | [Chp11](#) | [Chp12](#) | [Chp13](#) | [AppdxA](#) | [AppdxB](#) | [AppdxC](#) | [AppdxD](#) | [AppdxE](#) |  
[AppdxF](#) | [AppdxG](#) | [AppdxH](#) | [AppdxI](#) | [AppdxJ](#) | [AppdxK](#) | [AppdxL](#) | [ALL](#) |

| [NODIS Library](#) | [Program Management\(8000s\)](#) | [Search](#) |

**DISTRIBUTION:**  
**NODIS**

---

**This Document Is Uncontrolled When Printed.**

Check the NASA Online Directives Information System (NODIS) Library  
to Verify that this is the correct version before use: <http://nodis3.gsfc.nasa.gov>

---